

REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-11 are pending in this application. Claims 3-10 are withdrawn. No claims have been amended or cancelled. Claims 1 and 11 are the independent claims.

Applicants note with appreciation the Examiner's acknowledgement that certified copies of all priority documents have been received by the U.S.P.T.O. Action, summary at 12.

Example Embodiments of the Present Application

A non-limiting example embodiment of the organometallic composition is explained in paragraph [0021] of the present specification. The sensitivity to light that is a characteristic of the organic ligand of Formula 1 allows the organic ligand to become readily dissociated from the central metal. In addition, the ternary organometallic composition comprising the organometallic compounds of Formula 2 and 3 need not be photosensitive and are mixed uniformly within the prescribed range in the composition.

Rejections under 35 U.S.C. § 103

Claims 1-2, and 11, stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Japanese Patent No. 2001-221908 (Furuya) in view of U.S. Patent No. 6,184,403 (Welch et al., hereinafter referred to as Welch). Applicants respectfully traverse this rejection for the reasons detailed below.

Independent claims 1 and 11 recite "organometallic compounds I, II and III present in an amount of 0.01 – 10 mol% based on the mole amount of Ag in the organometallic compound (I)". Example non-limiting embodiments of this feature are discussed throughout the instant

specification. Furuya and/or Welch, as relied upon by the Examiner, fails to suggest organometallic compounds I, II and III present in an amount of 0.01 – 10 mol% based on the mole amount of Ag in the organometallic compound (I) as recited in independent claims 1 and 11.

In the abstract of Furuya, the only mention of percentages is the addition of Pd or Au by 0.5 to 3.0 wt% and Cu or Ti by 0.1 to 3.0wt%. The Examiner fails to specifically point out in the September 27, 2006 Office Action where Furuya discloses the mol% disclosed in independent claims 1 and 11 and Applicants cannot find a reference to the mol% after a thorough examination of Furuya. In addition, Furuya is directed to a reflector used as a light (e.g., head or fog light) for a vehicle or a curved (or planed) mirror for optical instruments, which is a technical field different from example embodiments. Further, alloys suggested in Furuya are produced as a film on a substrate by sputtering. Therefore, microlithography processing is essential for obtaining a desired pattern in Furuya, which is problematic due to the complexity and expenses involved in the process. Therefore, Furuya fails to teach or suggest “organometallic compounds I, II and III present in an amount of 0.01 – 10 mol% based on the mole amount of Ag in the organometallic compound (I)” as recited in independent claims 1 and 11.

The Examiner also fails to specifically point out in the September 27, 2006 Office Action where Welch discloses the mol% disclosed in independent claims 1 and 11, and Applicants cannot find a reference to the mol% after a thorough examination of Welch. In addition, the structure of metal complexes in Welch, for example, $ML_N \cdot pD(Ag(CH_3)_3CCOCHCOSi(CH_3)_3)$ listed in Table 2, are completely different from the organometallic compounds of Formula 1, 2 and 3 as recited in independent claims 1 and 11. Therefore, Welch fails to teach or suggest “organometallic compounds I, II and III present in an amount of 0.01 – 10 mol% based on the

mole amount of Ag in the organometallic compound (I)” as recited in independent claims 1 and 11.

Because neither Furuya nor Welch teaches organometallic compounds I, II and III present in an amount of 0.01 – 10 mol% based on the mole amount of Ag in the organometallic compound (I) as recited in independent claims 1 and 11, the alleged combination of Furuya and Welch also cannot teach “organometallic compounds I, II and III present in an amount of 0.01 – 10 mol% based on the mole amount of Ag in the organometallic compound (I)” as recited in independent claims 1 and 11.

With respect to the proposed combination of Furuya and Welch, Applicants respectfully submit that the combination is improper for at least the following reasons.

Furuya is directed to a reflector (which is a technical field different from example embodiments), whereas the teachings of Welch describe MOCVD precursors. Accordingly, Applicants respectfully submit there is insufficient evidence in the record for modifying the reflector of Furuya to incorporate the MOCVD precursors of Welch. Additionally, neither Furuya nor Welch recognize the solution thereto regarding the composition ratio of the organometallic compounds of Formula 1, 2 and 3.

Further, Applicants respectfully submit that an attempt to bring in the isolated teachings of the MOCVD precursors of Welch into the reflector of Furuya would amount to improperly picking and choosing from the different references without regard for the teachings of the references as a whole.¹

¹ See In re Ehrreich 590 F2d 902, 200 USPQ 504 (CCPA, 1979) (stating that patentability must be addressed “in terms of what would have been obvious to one of ordinary skill in the art at the time the invention was made in view of the sum of all the relevant teachings in the art, not in view of first one and then another of the isolated teachings in the art,” and that one “must consider the entirety of the disclosure made by the references, and avoid combining them indiscriminately.”)

The Applicants maintain, therefore, that the Action does not present the required “convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references,” *Ex parte Clapp*, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985), and that this rejection may not be properly maintained absent such reasoning.

The Applicants, therefore, respectfully request that the rejection to Claims 1-2, and 11 under 35 U.S.C. § 103(a) be withdrawn.

Claim 2, dependent on independent claim 1, are patentable for the reasons stated above with respect to claims 1 and 11 as well as for their own merits.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection to independent claims 1 and 11 and all claims dependent thereon.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

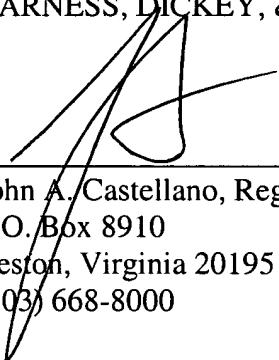
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Erin G. Hoffman, Reg. No. 57,752, at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNESS, DICKEY, & PIERCE, P.L.C.

By



John A. Castellano, Reg. No. 35,094
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

JAC/EGH:bp